

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

'318 PATENT

INFRINGEMENT LITIGATION

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Civ. No. 05-356-(SLR)
(consolidated)

DEFENDANTS' DISCLOSURES PURSUANT TO 35 U.S.C. § 282

Defendants Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. ("Barr") and Alphapharm Pty Ltd. (collectively "Defendants"), believe that their pleadings, written discovery responses, in conjunction with the expert reports submitted by the parties, and the deposition testimony provided in this matter are more than sufficient to meet Defendants' duties pursuant to 35 U.S.C. § 282. For example, the information requested by Section 282 is contained in at least the following pleadings or discovery exchanged in this case (all of which are incorporated herein by reference):

(1) Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.'s Rule 26(a)(1) Initial Disclosures;

(2) Barr's Responses (and supplementation of responses) to Plaintiffs' discovery, including document requests, interrogatories, and request to admit regarding invalidity, including but not limited to Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.'s Objections and Responses to Plaintiffs' Interrogatories Nos. 2 and 4;

(3) Co-Defendants Alphapharm Pty Ltd., Mylan Pharmaceuticals, Inc. and Mylan Laboratories, Inc., Purepac Pharmaceutical Co. and Alpharma Inc., Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc., Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd., Teva Pharmaceutical U.S.A. and Teva Pharmaceutical Industries Ltd.'s Responses (and

supplementation of responses) to Plaintiffs' discovery, including document requests, interrogatories, and request to admit regarding invalidity, such as Teva Pharmaceutical U.S.A. and Teva Pharmaceutical Industries Ltd.'s Second Supplemental Response to Interrogatory No. 2 of Plaintiffs' First Set of Interrogatories;

(4) Opening, Responsive, and Rebuttal Expert Reports of Drs. Levey and Domino;

(5) Depositions of Drs. Levey and Domino;

(6) Barr's Opening and Answering Claim Construction Briefs and Barr's brief in Opposition to Plaintiffs' Motion for Partial Summary Judgment Regarding Anticipation; and

(7) Defendants' Statement of Issues of Law, Issues of Fact, Trial Witness List and Trial Exhibit List contained in Exhibits 3, 5, 7, 9, and 11 of the Proposed Pretrial Order.

Nonetheless, out of an abundance of caution, Defendants provide the following list of patents and publications in which the information required by 35 U.S.C. § 282 is set forth:

No.	Title	Date	Page Nos.
1	British Patent No. 942,200 Titled: <i>A Method of Obtaining Galanthamine Hydrobromide</i>	1962	1-2
2	Albuquerque, E. <i>Allosterically Potentiating of Nicotinic Receptors as a Treatment Strategy for Alzheimer's Disease</i> , <u>Behavior Brain Research</u> , Vol. 113	(2000)	199-206
3	Ancoli-Israel S., et al., <i>Effects of Galatamine Versus Donepezil on Sleep in Patients with Mild to Moderate Alzheimer Disease and Their Caregivers: A Double-Blind, Head-to-Head, Randomized Pilot Study</i> , <u>Alzheimer Disease And Associated Disorders</u> , Vol. 19	(2005)	240-245
4	Antuono, P.S., et al., <i>Effectiveness and Safety of Velnacrine for the Treatment of Alzheimer's Disease: A Double-Blind, Placebo-Controlled Study. The Mentane Study Group</i> , <u>Archives of Intern. Med.</u> , Vol. 155	(1995)	1766-1772
5	Baraka A, S. Harik, <i>Reversal of Central Anticholinergic Syndrome by Galanthamine</i> <u>J.A.M.A.</u> , 238	(1977)	2293-2294
6	Bartus, R, et al., <i>The Cholinergic Hypothesis of Geriatric Memory Dysfunction</i> , <u>Science</u> , Vol. 217	(1982)	408-418
7	Bartus, R, et al. <i>The Cholinergic Hypothesis: A Historical Overview, Current Perspective, and Future Directions</i> , <u>Memory Dysfunctions: An Integration of Animal and Human Research from Preclinical Perspectives</u> , Annals of the New York Academy of Sciences, 444	(1985)	332-358
8	E. Giacobini, "Cholinesterase Inhibitors Do More Than Inhibit Cholinesterase," in Becker & Giacobini, eds., <u>Alzheimer Disease: From Molecular Biology to Therapy</u>	(1996)	188-204
9	Becker, R.E., et al., <i>Effects of Metrifonate on Cognitive Decline in Alzheimer Disease: A Double-Blind, Placebo-Controlled, 6-month</i>	(1998)	54-57

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11	Blass, J.P., <i>et al.</i> , <i>Randomized, Double-Blind, Placebo-Controlled Study to Evaluate the Efficacy, Tolerability and Safety of Two Doses of Metrifonate in Patients with Mild-to-Moderate Alzheimer's Disease: the MALT study</i> , <u>Alzheimer's Dis. Assoc. Dis. J.</u> , 14(1)	(2000)	39-45
12	Beermann, B., <i>Side Effects of Long Acting Cholinesterase Inhibitors</i> , <u>Acta. Neurol. Scand. Suppl.</u> , 149	(1993)	53-54
13	Bonner, T, <i>et al.</i> <i>Identification of a Family of Muscarinic Acetylcholine Receptor Genes</i> , <u>Science</u> , Vol. 237 Issue 4814	(1987)	527-532
14	Braga, <i>et al.</i> , <i>Effects of Tacrine, Velnacrine (HP029), Suronacrine (HP128), and 3,4-Diaminopyridine on Skeletal Neuromuscular Transmission in Vitro</i> , <u>Brit. J Pharmacology</u> , 102(4)	(1991)	909-915
15	Braida, Sala, <i>Eptastigmine: 10 Years of Pharmacology, Toxicology, Pharmacokinetics, and Clinical Studies</i> , <u>CNS Drug Reviews</u> , 7(4)	(2001)	369-386
16	Bretagne M, <i>et al.</i> , <i>Essais cliniques en anesthesiology d'un nouvel anticholinesterasique la Galanthamine</i> , <u>Anesthesie Analgesie Reanimation</u> , Vol. 1	(1965)	286-292
17	Brinkman, S.D., <i>et al.</i> , <i>A Dose-Ranging Study of Lecithin in the Treatment of Primary Degenerative Dementia (Alzheimer Disease)</i> , <u>J Clinical Psychopharmacol.</u> , Vol. 2	(1982)	281-285
18	Brinkman, S.D., <i>et al.</i> , <i>Lecithin and Memory Training in Suspected Alzheimer's Disease</i> , <u>Journal of Gerontology</u> , Vol. 37	(1982)	4-8

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20	Christie, J.G., <i>et al</i> <i>Effects of Choline and Lecithin on CSF Choline Levels and on Cognitive Functioning in Patients with Presenile Dementia of the Alzheimer Type</i> , <u>Choline and Lecithin in Brain Disorders</u> , Vol. 5	(1978)	377-389
21	Coyle, <i>Alzheimer's Disease: A Disorder of Cortical Cholinergic Innervation</i> , <u>Science</u> , Vol. 219	(1983)	1184-1190
22	Coyle, <i>Nicotinic Acetylcholine Binding Sites in Alzheimer's Disease</i> , <u>Brain Research</u> , Vol. 371	(1985)	146-151
23	Cozanitis DA, <i>Galanthamine Hydrobromide, a Longer Acting Anticholinesterase Drug, in the Treatment of Central Effects of Scopolamine (Hyoscine)</i> , <u>Anaesthesist</u> , 26	(1977)	649-50
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30	Cummings, J.L., et al., <i>The Efficacy of Metrifonate in Improving the Behavioral Disturbances of Alzheimer's Disease Patients</i> , <u>Journal of Geriatr. Psychiatry Neurol.</u> , 50	(1998)	101-108
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32	Daskalov D, et al. <i>Nivalin Application and Rehabilitation Treatment of Cerebral Diseases with Aphasic Syndromes</i> , <u>MBI Medico-Biologic Information</u> , 3	(1980)	9-11
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48	Edelstein, P. <i>et al. Physostigmine and Lithium Response in the</i>	(1981)	1078-1081

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110	Letter from Dr. Werner Frantsits and Dr. Hermann Mucke to Dr. Bonnie Davis re galanthamine patents	(1994)	DX 00007 -00001
111	<i>Warum Nivalin Zur Therapie Des M Alzheimer?</i> by Dr. Michael Rainer (and English translation thereof)	(1985)	DX 00611 -00010

Defendants reserve the right to amend and/or supplement this notice, at least 30 days before trial, if commencement of trial in this matter is changed from its currently scheduled date of May 21, 2007. Additionally, Defendants reserve the right to amend and/or supplement this notice to add additional items to this statement that were previously cited to Plaintiffs and were inadvertently omitted. The above list is exemplary rather than exhaustive and, therefore, should not be understood to limit the evidence or testimony Defendants may present or adduce at trial regarding the subject matter required to be disclosed pursuant to 35 U.S.C. § 282.

Respectfully submitted,

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